

Judge Gorton
04 4006

MANDATE

United States Court of Appeals For the First Circuit

No. 05-1194

LEONARDO ZULUAGO MARTINEZ,

Petitioner, Appellant,

v.

COMMONWEALTH OF MASSACHUSETTS,

Respondent, Appellee.

Before

Boudin, Chief Judge,
Stahl, Senior Circuit Judge,
and Lynch, Circuit Judge.

JUDGMENT

Entered: September 20, 2005

We have reviewed the record and the petitioner's submission. We deny the request for a certificate of appealability, because we see no grounds for equitable tolling here. "Ignorance of the law alone, even for incarcerated pro se prisoners, does not excuse an untimely filing." Lattimore v. Dubois, 311 F.3d 46, 55 (1st Cir. 2002) (citing Delaney v. Matesanz, 264 F.3d 7, 15 (1st Cir. 2001)).

The request for a certificate of appealability is denied, and the appeal is terminated.

By the Court:

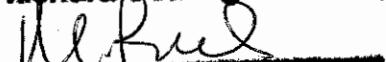
Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: _____
Chief Deputy Clerk.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: 10/11/05

[cc: Leonardo Zuluaga Martinez, Tom Reilly, AG]